

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendant,

and

**DEEPROOT TECH LLC, DEEPROOT PINBALL
LLC, DEEPROOT STUDIOS LLC, DEEPROOT
SPORTS & ENTERTAINMENT LLC,
DEEPROOT RE 12621 SILICON DR LLC, AND
ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,**

Relief Defendants.

Civil No. 5:21-cv-785-XR

**APPENDIX AND DECLARATION IN SUPPORT OF
PLAINTIFF SEC'S RESPONSE TO DEFENDANT MUELLER'S
OBJECTIONS AND MOTION TO STRIKE SUMMARY JUDGMENT EVIDENCE**

I, Charlie Divine, pursuant to 28 U.S.C. § 1746(2), do hereby declare under the penalty of perjury the following:

1. I am Trial Counsel to the U.S. Securities and Exchange Commission (the “SEC”) and I am appearing for the SEC in this case. As such, I am familiar with the facts and circumstances of this matter.
2. Prior to filing the Complaint in this matter, the SEC conducted an investigation and as part of that investigation gathered publicly available documents and subpoenaed documents, materials and testimony from relevant parties. After filing the Complaint, using the tools of civil discovery, the SEC gathered additional documents and other materials, and took deposition testimony. The defendants and third parties produced documents and other materials to the SEC in various formats, including electronically, in paper, and by emailed PDF, among others.
3. I and my colleagues at the SEC have been directly involved with the collection of documents and other materials in the litigation in this matter.
4. On October 11, 2022, the SEC produced to Defendant Mueller an Excel spreadsheet entitled “Exhibit B: Response to Interrogatory 7.” The spreadsheet included ten separate tabs, identified as Exhibit B and Exhibit B-1 through Exhibit B-9. Tab B-6 includes 784 lines of data regarding Policy Services, Inc. transactions for the benefit of the Affiliated Companies. Tab B-7 includes 264 lines of data regarding deeproot Funds transactions for the benefit of the Affiliated Companies.
5. The SEC produced in this litigation account records for the financial accounts listed on Appendix A-1 of the August 17, 2023, Declaration of Sachin Verma (Exhibit 1) and the October 6, 2021, Declaration of Sachin Verma (Exhibit 29).
6. In support of the SEC’s Motion for Summary Judgment, the SEC filed **Exhibit 10**, ECF No. 104-2, Deposition Exhibit 34, an August 18, 2015 email chain between Dennis J. Concilla and Defendant Robert J. Mueller with the subject “RE: dGRD” and Bates labelled MUELLER-002705-06. The document filed as Exhibit 10 is in the same form it was produced by Defendant Mueller in this litigation.
7. Attached hereto as **Exhibit 23.1** are true and correct copies of excerpts from the February 16, 2023 deposition of Scott Allen.
8. Attached hereto as **Exhibit 50** is a true and correct copy of Plaintiff’s Amended Responses and Objections to Defendant Robert J. Mueller’s First Set of Interrogatories.
9. Attached hereto as **Exhibit 51** is a true and correct copy of a June 30, 2023, Subpoena to Produce Documents, Information, or Objects to John Patrick Lowe, Bankruptcy Trustee.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 2, 2023

Respectfully submitted,

/s/ Charlie L. Divine

Charlie L. Divine

SECURITIES AND EXCHANGE COMMISSION

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ATTORNEY FOR PLAINTIFF SECURITIES

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